

REMARKS

This Amendment is responsive to the Office Action of January 5, 2005. Claims 1, 3, 14, 16, 28 and 33 have been amended. Claims 1 - 40 remain pending in this application. Reexamination and reconsideration are respectfully requested.

The Examiner rejected Claim 3 under 35 USC 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

This rejection has been overcome by a minor amendment to Claim 3.

The Examiner rejected Claims 1, 2, 4, 5, 7, 13, 16, 21, 22, 28 – 31, and 33 - 35 under 35 USC 102(e) as being anticipated by Nakayama et al. (6,456,160). This rejection is respectfully traversed.

As acknowledged in the Examiner's comments in relation to allowed claim 14, the Nakayama et al. reference fails to disclose or suggest use of a DSP for distortion detection. Instead, the Nakayama et al. reference teaches the use of a simple power detector 55 for detecting a distortion component (e.g., Column 9, line 43). Power detectors are commonly used in RF applications, and will not yield spectrum signal information such as employed by the present invention. As is well known by one skilled in the art, RF power detectors will detect nearly identical voltages for substantially different RF spectrum signals since RF power detectors integrate all RF energy applied to their input port. The present invention in contrast provides the ability to accurately measure distortion power levels at frequency offsets away from the carrier frequency which allows more accurate out of band distortion detection and more precise loop control. The Nakayama et al. reference thus has specific teachings providing reduced

performance capability from the DSP approach of the present invention, and therefore the teachings of Nakayama et al. are away from the present invention.

To expedite early allowance, and without acquiescing in the Examiner's rejection, Claim 1 and all other independent claims have been amended to incorporate limitations directed to the use of a DSP for distortion detection. Therefore, it is respectfully submitted the claims as amended all clearly distinguish the Nakayama et al. reference and are in condition for allowance.

The Examiner rejected Claims 3, 10 – 12, 17 – 20, 23 – 27, 32, 36 – 39 and 40 under 35 USC 103(a) as being unpatentable over Nakayama et al. This rejection is respectfully traversed.

In view of the incorporation of allowable subject matter into all independent claims as discussed above it is respectfully submitted that the above dependent claims are equally allowable.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully requested. It is requested that the Examiner telephone the undersigned attorney if it appears that any impediment remains to allowance of the application.

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Respectfully submitted,



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